

ORDINANCE NO. 15-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 30-31 – ELECTIONS; AMENDING ARTICLE I IN GENERAL SEC. 30-1 EARLY VOTING; AMENDING ARTICLE II CANDIDATES SEC. 30-31 QUALIFYING PERIOD AND SEC. 30-34 FILING OF OTHER ITEMS; AND ADDING SEC. 30-38 FILING OFFICER; PROVIDING FOR CONFLICTS, PROVIDING FOR INCORPORATION OF RECITALS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Deltona has identified that a need exists to amend certain provisions of Section 30-31 – Elections to be consistent with the City Charter and Florida Statutes; and,

WHEREAS, Section 100.3605(2), Florida Statutes provides that the governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality; and

WHEREAS, the City Commission for the City of Deltona finds that the amendment to Chapter 30 of the City of Deltona Code of Ordinances is in the best interest of the electorate and it will enhance their public health, safety and welfare; and

WHEREAS, this Ordinance is enacted under the general home rule and police powers of the City of Deltona and is not a zoning matter or a land development regulation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1: Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2: Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

ARTICLE I. - IN GENERAL

Sec. 30-1. - Early voting.

The City of Deltona hereby exercises its right to exempt itself from the provisions of Florida Statutes, Section 101.657, and shall contract with the Volusia County Supervisor of Elections to conduct early voting for the City of Deltona at the office of the supervisor of elections and any other early voting sites the supervisor may establish in public libraries, City facilities and/or city hall.

Sec. 30-2. - Petitions to amend City Charter.

(a) *Submission of initiative petition.* Before a petition to place a proposed amendment to the City Charter on the ballot by initiative can be circulated for signatures, the sponsoring political committee must receive approval of the format of the proposed form from the city clerk. The sponsoring committee shall submit a written request for review, along with a copy of the proposed form, to the city clerk.

(b) *Requirements and approval of initiative petition form.*

(1) Pursuant to F.S. § 166.031(1), as amended, the city "may, by Ordinance, or the electors of the City may, by petition signed by 10 percent of the registered electors as of the preceding municipal general election, submit to the electors of the City a proposed amendment to its charter."

(2) The City Clerk shall render a decision within seven days following receipt.

(3) The format of an initiative petition submitted for review and approval by the city clerk shall be in accordance with the most current version of Form DS-DE 19 promulgated by the Florida Department of State, Division of Elections and the requirements of this chapter. The format of the petition form is deemed sufficient only if the petition form:

a. Is printed on separate cards of individual sheets of paper. The minimum size of such forms shall be three inches by five inches and the maximum shall be eight and one-half inches by 11 inches.

b. Clearly and conspicuously contains in the following order:

1. The title "Deltona Charter Amendment Petition form" at the top of the form.
2. The three statements as exactly worded in the box on the top of Form DS-DE 19.
3. Adequate blank lines for the voter's name, address, city, county, voter registration number and date of birth as specified on the DS-DE 19.
4. A check box and accompanying text so that the voter may indicate a change in the voter's legal residence address on the voter's voter registration record as specified on the DS-DE 19.
5. The statement, "I am a registered voter of Florida and the City of Deltona and hereby petition the City of Deltona to place the following proposed amendment to the Deltona City Charter on the ballot."
6. The ballot title, which shall not exceed 15 words.
7. The ballot summary, which shall not exceed 75 words.
8. The article and section being created or amended.
9. The full text of the amendment being proposed. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.
10. Adequate blank lines for the date of the voter's signature and the voter's signature. The petition shall contain a blank line for only one voter's signature. The city clerk will not approve petition forms providing for multiple signatures per page.
11. A disclaimer that states "Initiative petition sponsored by (name and address of the sponsoring political committee)." That any disclaimer be titled; "Political Advertisement" instead of "Political advertisement paid for and approved by";
12. Adequate blank lines, in accordance with F.S. § 106.19(3), for the name and address of a paid petition circulator, if one is used.
13. The notation "for Official Use Only" as specified on Form DS-DE 19 providing adequate blank lines labeled "Serial Number" and "Date Approved."

14. The petition need not contain the designation of Form DS-DE 19 and its effective date or the reference to Rule 1 S-2.009, F.A.C. as shown on the sample Form DS-DE 19.

(c) *Word Count.* The following provisions apply to determine the word count for a ballot title and summary.

(1) Hyphenated compound words count as two or more words.

(2) An ampersand or a plus or minus sign shall count as one word.

(3) Punctuation such as commas, periods, hyphens, question marks, parenthesis quotation marks or exclamation points, does not affect the word count.

(4) Each word joined by a forward or back slash to another word counts separately as a word.

(5) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(6) Each word in a name is individually counted. Example: George Washington shall count as two words.

(7) Each whole number shall count as a word.

(8) Spaces do not affect the word count.

(d) *Additional information or materials.* Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials shall be printed directly on the form.

(e) *Assignment of a serial number.* The city clerk shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number 06-1. The serial number assigned must be printed in the lower right hand corner of the petition form.

(f) *Changes.* Any change to a previously approved petition form shall be submitted to the city clerk for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The city clerk must approve any

material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee. A translation into another language does not constitute a material change to an initiative petition form. If translated into another language, the translation must not add or subtract from the approved English language and format of the petition and its blank entries. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the city clerk.

- (g) *Reproduction.* Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing provided such forms are reproduced in the same format as approved by the city clerk. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.
- (h) *Submission of signed petition forms.* All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the city clerk for verification of signatures in accordance with this section.

Sec. 30-3. – Signature verification for petition to amend City Charter.

- (a) *Submission.* Signed initiative petition forms proposing amendments to the Deltona City Charter shall be submitted by the sponsoring political committee to the city clerk, who shall submit such signed petition forms to the Volusia County Supervisor of Elections for verification.
- (b) *Signature verification.*
 - (1) In accordance with the signature verification fee provisions in F.S. § 99.097(4), the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days after receipt of the form to ensure that each person signing the petition form:

- a. Was, at the time of signing and verification of the petition, a registered voter and the city,
 - b. Had not signed the petition form more than two years prior to the date the Supervisor verified the petition, and
 - c. Had not ever previously signed a petition form containing the identical initiative which had been verified as valid.
- (2) An identical initiative petition means an initiative petition that is circulated on an initiative petition form which contains the same serial number assigned to it pursuant to this chapter.
- (3) The Supervisor shall not verify as valid a signature on an initiative petition form information is contained on the petition form:
- a. The voter's name,
 - b. The voter's address (including city and county),
 - c. The voter's date of birth or voter registration number,
 - d. The voter's original signature, and
 - e. The date the voter signed the petition, as recorded by the voter.
- (c) *Recordation of verification.* The Supervisor of Elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisor of Elections shall submit to the city clerk a certificate indicating the total number of signatures verified as valid.
- (d) *Limitation on use of verified signatures.* Verified signatures used successfully to place a proposed charter amendment by initiative on the ballot that subsequently fails to be approved by the electors shall not be used again in support of any future initiative petition.
- (e) Nothing in this chapter prohibits a voter from signing a successive initiative petition form containing the text of a former petition if the successive petition form has a different serial number assigned to it pursuant to this chapter.

ARTICLE II. – CANDIDATES

Sec. 30-31. - Qualifying period.

The qualifying period for City of Deltona is set by Florida Statute 105.031(1) and shall be no earlier than noon of the 71st day, and no later than noon of the 67th day, before the primary election.

Sec. 30-32. - Oath and petition forms.

Candidates for city elective office may file an oath and receive the petition forms from the city clerk at any time after the candidate has filed the appointment of campaign treasurer and designation of campaign depository, but prior to the 28th day preceding the first day of the qualifying period for the office sought.

Sec. 30-33. - Filing of petitions.

Candidates for city elective office must submit to the city clerk each petition collected prior to noon of the 28th day preceding the first day of the qualifying period for the office sought.

Sec. 30-34. - Filing of other items.

A candidate who has submitted the necessary petitions by the required deadline and who is notified by the city clerk that the required number of signatures has been obtained and certified by the Supervisor of Elections shall be entitled to subscribe to the candidate's oath and file the qualifying papers during the time prescribed for qualifying for office. Any person other than a write-in candidate who qualifies within the time prescribed in this section shall be entitled to have his or her name printed on the ballot.

Sec. 30-35. - Write-in candidates.

Each person seeking to qualify for election to office as a write-in candidate shall subscribe to the candidate's oath and file his or her qualification papers with the city clerk at any time after noon of the first day for qualifying, but no later than noon on the last day of the qualifying period for the office sought. A write-in candidate shall not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in shall be provided on the general election ballot. No

person may qualify as a write-in candidate if the person has also qualified for election to such office.

Sec. 30-36. - Election assessment.

- (1) Each person seeking to qualify for election to a municipal office, except a person seeking to qualify as a write-in candidate, shall pay an election assessment at the time of qualifying for office. The election assessment shall be an amount equal to one percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund.
- (2) Any person seeking to qualify for election to a municipal office who is unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

Sec. 30-37. - Electronic campaign filing.

All candidates for elected office in the city and all political committees filing with the Deltona filing officer shall electronically file their campaign treasurer's reports required by state law utilizing the Volusia County Supervisor of Elections Office's electronic filing system. Campaign treasurer's reports electronically filed as required by this section shall be deemed filed with the city clerk simultaneously upon the Volusia County Supervisor of Elections Office's receipt of the electronic filing.

Sec. 30-38. – Filing Officer.

Per House Bill 1515, City of Deltona Article of Incorporation, any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk who is the filing officer for the City of Deltona. The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether items required by F.S. 99.061(7)(a) have been properly filed and whether each item is complete on its face, including whether

items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS _____ DAY OF _____, 2024.

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

CITY ATTORNEY